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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Letter dated 22 June 2000 from the Permanent Representative of Bangladesh to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I would like to refer to the written statement (E/CN.4/2000/NGO/14) submitted by the South Asia Human Rights Documentation under agenda item 10 of the fifty-sixth session of the Commission on Human Rights.

The Government of Bangladesh has had the opportunity to analyse the document. The comments of the Government of Bangladesh on the statement of South Asia Human Rights Documentation Centre are attached.

I would be grateful if you could have the reply* of the Government of Bangladesh circulated as an official document of the Commission on Human Rights under the relevant agenda item.

(Signed) Iftekhar Ahmed Chowdhury
Ambassador
Permanent Representative

* Reproduced as received, in English only.

Comments of the Government of Bangladesh on the statement by the South Asia Human Rights Documentation Centre (SAHRDC), contained in document E/CN.4/2000/NGO/14 of 56th session of the Commission on Human Rights

In the document under reference, the South Asian Human Rights Documentation Centre has made a general allegation of "violation of economic and social rights of the legally identified enemies of Bangladesh", drawing reference to "Enemy Property Act". The Government of Bangladesh has examined the allegation thoroughly and its observations are as follows :

1) The very title of the SAHRDC statement, "violation of economic and social rights of the **legally identified enemies** of Bangladesh" is misleading. There is no identified enemies of Bangladesh, legally or otherwise. The assertion of SAHRDC is baseless and seemingly tendentious;

2) **The "Enemy Property Act" was enacted by the Government of Bangladesh**. Its genesis dates back to the time when Bangladesh, erstwhile East Pakistan, was a part of Pakistan. Following the 1965 Indo-Pakistan War as per the provisions of the Defence of Pakistan Rules framed under the Defence of Pakistan ordinance, 1965, the properties of those who had been residing in India since before 6 September 1965 or those who left for India since 6 September 1965 to 16 February 1969 and abandoned their properties in erstwhile East Pakistan were declared as enemy property and management of these properties were vested in the Deputy custodian. After the repeal of emergency rules, certain provisions of the said rules were kept in force under the Enemy property (Enemy property continuance of Emergency provisions) ordinance, 1969;

3) Following emergence of Bangladesh as an independent and sovereign country in 1971 the government of Bangladesh undertook an extensive and comprehensive review of "Enemy Property Act". Under section 83 of the Code of Civil Procedure, 1908, Indian nationals became "alien friends". **All the "enemy properties" which were vested in the former Government of East Pakistan were declared as vested in the Government of the People's Republic of Bangladesh** (vesting of property and Assets) order, 1972 (P.O. No. 29/72) and the Enemy Property (continuance of Emergency Provisions) (Repeal) Act, 1974;

4) Under the above circumstances, the Government as the custodian of the vested properties, have been managing the aforesaid properties in absence of bonafide owners. In case of lease of such properties preference is given to the Hindu co-sharers. The transfer of vested properties and further enlistment of property as vested property have now been discontinued. **No property of any bonafide Bangladeshi Hindu National has been enlisted as vested property since independence of Bangladesh till date;**

5) Vested property verification committees were formed in 1993 at Thana, Pourashava and City-corporation levels with a view to detecting fraudulent and

wrong enlistment of properties and illegal possession thereof. The verification was not intended to put the Hindu minority community to harassment. There is also provision for release of the property illegally or wrongfully enlisted as vested property. The Deputy Commissioner/Divisional Commissioners have been empowered to dispose of such case. The affected person may also seek redress in the courts of Bangladesh. **The present Democratic Government has already taken up positive step for annulment of the vested property Act.** The matter is under process now. **Therefore, the assertion of SAHRDC's that no government in Bangladesh has considered repeal of the ACT is factually incorrect;**

6) **SAHRDC has drawn its conclusion on out migration/ missing Hindu population in Bangladesh relying solely on a report of Association for Land Reform and Development (ALRD), an NGO.** Bangladesh Government has examined the ALRD Report. It is noted that ALRD on some general assumptions has provided some statistics/data in respect of out migration/missing Hindu population. ALRD has clearly admitted in their Report at page 13 that they had difficulties in getting information and had limitations of the study for preparation of their report. ALRD also admitted that while collecting data it was observed by them that very few of the persons selected were available in the area and as a result they could not follow the pre-planned sampling technique, and therefore they had to go for purposive sampling. Purposive sampling as one would note is not always dependable rather is confusing;

7) From the facts stated above, the contents of the is apparently a travesty of facts. Asia matter of fact the aforesaid properties were vested in the Government for management in absence of the original owners. The properties of those Hindus who are now living in Bangladesh are not affected in any way under the said Act;

8) The Hindu community in Bangladesh is enjoying all rights and privileges equally with other communities as guaranteed under the Constitution of the People's Republic of Bangladesh. Furthermore, given the turbulent history of communal hatred that led to the partition of British India in 1947, Bangladesh has reasons to be proud of its track record in preserving communal harmony.